

Docket No.: 61352-016



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Takashi OKADA, et al.

Serial No.: 10/058,837

Filed: January 30, 2002

For: ACTIVE MATRIX LIQUID CRYSTAL DISPLAY ELEMENT

Group Art Unit: 2871

Examiner: Jeanne A. Di Grazio

Handwritten: #91 Election
T. Young
7-8-03

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Response
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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Noting the Office Action of June 4, 2003 wherein restriction has been required, Applicants hereby elect with traverse group I (claims 1-4, 7-9 and 16-21 readable thereon) for prosecution on the merits in the above-identified application.

The Examiner alleges that the various features recited in the pending claims define distinct species. However, it is respectfully submitted that at least the listed claims above embody various features of the present invention (e.g., with respect to claims 3 and 4, continuity vs. non-continuity), rather than distinct species of a common feature (*see, e.g.*, claims 9-15). It is noted that the Examiner has attempted to define the various claims as species. However, as noted in MPEP § 806.04(e), "[c]laims are definitions of inventions. *Claims are never species.*" As further noted in MPEP § 806.04(f), "[c]laims to be restricted to different species must be mutually exclusive." The Examiner has failed to identify any set of mutually exclusive claims whereby limitations of a first claim can be found, under the disclosure, in a first species but not

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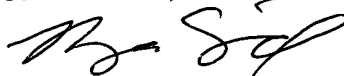
in a second species while limitations of a second claim can be found only in the second species but not in the first species.

Accordingly, it is respectfully submitted that Applicants are entitled to a full examination of claims 1-9 and 16-22 (claims 5 and 6 in addition to those listed above), including claim 19 deemed generic by the Examiner, as claims drawn to various features of the present invention.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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